
STATUTORY INSTRUMENTS

2003 No. 2004

COUNTRYSIDE, ENGLAND

The Access to the Countryside (Dedication
of Land) (England) Regulations 2003

<i>Made</i>	- - - -	<i>5th August 2003</i>
<i>Laid before Parliament</i>		<i>6th August 2003</i>
<i>Coming into force</i>	- -	<i>1st September 2003</i>

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred upon her by sections 16(1), (2) and (6), 44(2) and 45(1)(1) of the Countryside and Rights of Way Act 2000(2), and of all other powers enabling her in that behalf, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Access to the Countryside (Dedication of Land) (England) Regulations 2003 and shall come into force on 1st September 2003.

(2) These Regulations apply in relation to England only(3).

Interpretation

2. In these Regulations references to section 16 are references to section 16 of the Countryside and Rights of Way Act 2000 and references to Schedule 2 are references to Schedule 2 to that Act.

General restrictions in Schedule 2

3. A dedication under section 16 may include provision removing or relaxing any of the general restrictions in Schedule 2 in relation to any of the land to which the dedication relates.

Information to persons requested to consent to a dedication

4.—(1) A person who is—

(a) proposing to dedicate land under section 16, and

(1) see, in section 45(1), the definition of “prescribed”.

(2) 2000 c. 37.

(3) Regulations made by the Secretary of State may be made only as respects England: see section 45(1) for the meaning of “regulations”.

- (b) seeking the consent of any other person to the dedication of any such land under subsection (2) of that section,

shall provide to any such other person the information specified in paragraph (2).

- (2) The information referred to in paragraph (1) is—
 - (a) the nature of the interest in the land held by the person making the dedication, and where that person holds a legal term of years absolute, the length of the unexpired term,
 - (b) the location and extent of the land which is to be dedicated under section 16, marked on a map on a scale of not less than 1/10,000, and
 - (c) any proposals to remove or relax any of the general restrictions in Schedule 2 in relation to any of the land to which the proposed dedication relates.
- (3) The information shall be provided in writing and may be given in electronic form.

Instrument of dedication

5.—(1) A dedication of land made under section 16 shall be made by an instrument of dedication, which shall include the following information—

- (a) the name and postal address of the person making the dedication,
 - (b) the nature of the interest in the land held by the person making the dedication, and where that person holds a legal term of years absolute, the length of the unexpired term,
 - (c) the location and extent of the land to which the dedication relates, marked on a map on a scale of not less than 1/10,000,
 - (d) the name, postal address and signature of any person consenting to the dedication under section 16(2),
 - (e) any provisions removing or relaxing any of the general restrictions in Schedule 2 in relation to any of the land to which the dedication relates, and
 - (f) a statement as to whether or not it appears to the person making the dedication that any of the land to which the dedication relates consists wholly or predominantly of woodland.
- (2) The instrument of dedication—
 - (a) shall be in writing and may be in electronic form, and
 - (b) shall be signed and dated by the person making the dedication.

(3) Where a dedication is made jointly with another person, the dedication shall be treated as being made on the date on which the last person required to sign under paragraph (2)(b) signs the instrument of dedication.

(4) In this regulation, “signature” or “signed”, in relation to an instrument of dedication contained in an electronic communication within the meaning of the Electronic Communications Act 2000(4), includes the incorporation in it, or the logical association with it, of an electronic signature, as defined in section 7(2) of that Act.

Notification of a dedication

6.—(1) Where a dedication of land is made under section 16 the person making the dedication shall, within a period of 28 days beginning with the date on which the dedication is made, send a copy of the instrument of dedication to—

- (a) any person who has consented to the dedication,

- (b) any other person whom it is reasonably practicable to identify as having an interest in any of the dedicated land,
- (c) the access authority, and
- (d) the Countryside Agency.

(2) Where a dedication is made jointly with another person, nothing in paragraph (1) requires any person referred to in sub-paragraph (a), (b), (c) or (d) of that paragraph to be sent more than one copy of the instrument of dedication.

Amendment of a dedication

7.—(1) A dedication made under section 16 may be amended by any person mentioned in subsection (1) of that section, so as to remove or relax any of the general restrictions in Schedule 2 in relation to any of the land to which the dedication relates.

(2) Section 16(2) to (4) and regulations 4 to 6 shall apply to an amendment to a dedication as if references to a dedication were references to an amendment to a dedication.

5th August 2003

Alun Michael
Minister of State,
Department for Environment, Food and Rural
Affairs

Status: This is the original version (as it was originally made).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 16 of the Countryside and Rights of Way Act 2000 enables persons to dedicate their land for the purposes of Part I of that Act, which establishes a new regime for access to the countryside. These Regulations, which apply in relation to England only, provide what steps are to be taken when land is dedicated under section 16.

Regulation 3 enables the general restrictions that are to be observed by persons exercising the right of access under Part I to be removed or relaxed in relation to dedicated land. Regulation 4 provides for the supply of information to persons who are requested to consent to a dedication of land.

Regulation 5 sets out what information is to be included in an instrument of dedication, and regulation 6 provides for a copy of that instrument to be sent to certain persons, including the Countryside Agency. Regulation 7 enables a dedication made under section 16 to be amended.

No Regulatory Impact Assessment has been prepared in respect of these Regulations.